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June 9, 2006

VIA FACSIMILE

Ms. Nancy Eady, Esq.
Morris, Haynes & Hornsby
Post Office Box 1660
Alexander City, Alabama 35011

Dear Nancy:

Please find attached an unexecuted copy of James McCants' responses to the interrogatories and requests for production propounded to him.

We expect Mr. McCants to provide us with an executed copy of the responses prior to his deposition on Tuesday, June 14. If indeed he does so, then we will provide you with an executed copy at the deposition.

Thank you for your patience and please contact Steele at your earliest convenience if this arrangement is not suitable.

Yours very truly,

John W. Clark IV

JWC

Attachment

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

JOHNNY POTTS and JANICE POTTS,	§	
Plaintiffs,	§	
v.	§	Civil Action No.
		3:06-cv-00124-WHA-CSC
DYNCORP INTERNATIONAL LLC,	§	
JAMES McCANTS, et al.,	§	
Defendants.		

**RESPONSE OF DEFENDANT JAMES McCANTS TO
PLAINTIFFS' INTERROGATORIES AND
REQUESTS FOR PRODUCTION
PERTAINING TO PERSONAL JURISDICTION OF JAMES McCANTS**

COMES NOW Defendant James McCants, and responds to Plaintiffs' Interrogatories and Request for Production Pertaining to Personal Jurisdiction of James McCants as follows:

GENERAL OBJECTIONS

1. Defendants object to providing any information protected by the attorney-client privilege.
2. Defendants object to providing any trial preparation information or non-discoverable information or materials otherwise encompassed by the work-product doctrine.

3. Defendants object to Plaintiff's requests to the extent that the requests seek documents not within the possession, custody, or control of Defendants. Such attempts exceed the scope of allowable discovery.

4. Defendants object to Plaintiff's requests to the extent the requests are overly broad, oppressive, unduly burdensome, and call for irrelevant information not reasonably calculated to lead to the discovery of admissible evidence.

5. Defendants object to Plaintiff's requests to the extent the requests seek to impose any obligation upon Defendants which is inconsistent with the Alabama Rules of Civil Procedure.

SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES
AND REQUESTS FOR PRODUCTION
(subject to General Objections)

1. **Please state you name, current Address, birth date and Social Security number.**

Response: James Derrick McCants

6640 Akers Mill Road, Apt. 4824, Atlanta, GA, 30339

April 15, 1970

419-25-5995

2. For each vehicle you have driven on a regular basis or owned from January 1, 2000 to the present, please state or provide the following:

- a) The owner's name;
- b) The make and model of the vehicle;
- c) The VIN number for the vehicle;
- d) The name and address of the dealership, car lot or individual from whom the vehicle was purchased;
- e) The name and address of the dealership, car lot or individual who provided financing for the vehicle or which aided in obtaining financing for the vehicle.

Response: Defendant objects to Plaintiffs' request for information pertaining to "each vehicle you have driven on a regular basis or owned from January 1, 2000 to the present" on the additional grounds that it is overly broad and unduly burdensome and calls for information falling outside of the parameters of discovery as allowed by *Fed. R. Civ. P.* 26(b)(1). Without waiving his objections, Defendant responds as follows:

I do not currently own or drive any vehicle and I do not recall any of the requested information for any vehicles I may have driven on a regular basis or owned prior to August 2002. I recall having owned the following vehicles:

Vehicle 1 (March 2003 - April 2006)

- a) James & Caryl McCants
- b) GMC Envoy
- c) Unknown
- d) Unknown—Caryl McCants purchased the vehicle while I was
working in Iraq
- e) Unknown—Caryl McCants purchased the vehicle while I was
working in Iraq

Vehicle 2 (Dates Unknown—between Vehicles 1 and 3)

- a) Caryl McCants
- b) Ford Explorer
- c) Unknown
- d) Unknown
- e) Unknown—Caryl McCants purchased the vehicle while I was
working in Iraq

Vehicle 3 (August 2002 - February 2003)

- a) James & Caryl McCants
- b) Ford Taurus
- c) Unknown

- d) Drivetime; Atlanta, Georgia
- e) Unknown

3. Please provide the addresses at which you have resided from the time you were 17 to the present, including street, city, state and dates of residence for each address.

Response: Defendant objects to Plaintiffs' request for "the addresses at which [he has] resided from the time [he was] 17 to the present" on the additional grounds that it is overly broad and unduly burdensome and calls for information falling outside of the parameters of discovery as allowed by *Fed. R. Civ. P.* 26(b)(1). Without waiving his objections, Defendant responds as follows:

<u>Date</u>	<u>Address</u>
March 2006 - Present	6640 Akers Mill Road, Apt. 4824, Atlanta, GA 30338
July. 2005 - March 2006	500 Williams Drive, Apt. 1105, Marietta, GA 30068
Dec. 2003 - July. 2005	Working in Iraq with primary residence in Georgia at Williams Drive apartment
Jan. 2002 - Dec. 2003	500 Williams Drive, Apt. 1105, Marietta, GA 30068
Dec. 2001 - Jan. 2002	Lived with cousin in McDonough, GA

Dec. 1999 - Dec. 2001	United States Army—stationed at Ft. Bragg, Fayetteville, NC
Oct. 1998 - Dec. 1999	United States Army—stationed at Ft. Drum, Loweville, NY
Oct. 1995- Oct. 1998	3608 Old Stage Road, Repton, AL 36475. During this period I was a member of the United States Army Reserve and lived at my parents home in Repton.
May 1988 - Oct. 1995	United States Army—stationed in Panama. Germany, Iraq, Jordan and other United States military bases outside of the State of Alabama.

4. Please list every time you have been present in the State of Alabama for the past 10 years and the purpose for each visit.

Response: Defendant objects to Plaintiffs' request for a list of "every time you have been present in the State of Alabama for the past 10 years and the purpose for each visit" on the additional grounds that it is overly broad and unduly burdensome and calls for information falling outside of the parameters of discovery as allowed by *Fed. R. Civ. P.* 26(b)(1). Without waiving his objections, Defendant responds as follows:

I lived in the State of Alabama, as described in the response to Interrogatory # 3 above, from 1995 to October of 1998. My parents still live in Repton, Alabama. I travel to Alabama, on average, around 3 or 4 times per year to visit my parents. For example, I traveled to Alabama for my grandmother's funeral the weekend of May 12, 2006 and to visit my parents for their birthdays, Thanksgiving and Christmas in 2005.

5. Please provide the names, addresses and relationship to you of any family members you have in Alabama.

Response: Defendant objects to Plaintiffs' request for a "the names, addresses and relationship to [him] of any family members [he has] in Alabama" on the additional grounds that it calls for information falling outside of the parameters of discovery as allowed by *Fed. R. Civ. P.* 26(b)(1). Without waiving his objections, Defendant responds as follows:

<u>Name</u>	<u>Address</u>	<u>Relationship</u>
James & Linda McCants	Rt. 1, Box 1524, Repton, AL 36475	Parents
Rodney Coleman	Frisco City, AL	Brother

6. For every marriage you have entered into, if any, please list the following:

- a) The maiden name of the person you married;
- b) The date, county and state of marriage;
- c) The date, county and state where the marriage was dissolved, if applicable;
- d) The name and address of the attorney who represented in each divorce or marriage dissolution, if applicable;
- e) A copy of the divorce judgment from any such divorce.

Response:

- a) Caryl Burton
- b) September 12, 1998; Monroe County, Alabama
- c) N/A
- d) N/A
- e) N/A

I have no other marriages with any connections or ties to the State of Alabama.

7. Please list each and every insurance policy of any kind which you have had since January 1, 2002 to the present. For each such insurance, please state the following:

- a) **The name of the insurance company;**
- b) **The type of policy and the policy number;**
- c) **The risk insured under the policy;**
- d) **The state and county where the risk insured under the policy was located, or where the person insured under the policy resided;**
- e) **The effective dates of the insurance policy;**
- f) **Who paid the premiums on the policy.**

Response: Defendant objects to Plaintiffs' request for a list of "each and every insurance policy of any kind which [he has] had since January 1, 2002 to the present" on the additional grounds that it is overly broad and unduly burdensome and calls for information falling outside of the parameters of discovery as allowed by *Fed. R. Civ. P.* 26(b)(1). Without waiving his objections, Defendant responds as follows:

For the majority of that time period I was employed by the United States Army or working overseas and therefore all of my insurance was provided by my employers. I recall having auto insurance, as required by the State of Georgia, on the automobiles listed above in the response to Interrogatory # 2.

- a) Peach State
- b) Auto; Unknown

- c) As required by the State of Georgia
- d) The primary drivers of the vehicles resided in Marietta, Georgia
- e) See response to Interrogatory #2 for dates in which I was co-owner of the automobiles there listed.
- f) James & Caryl McCants

8. Besides the instant suit, have you ever been a party to any litigation in the State of Alabama, whether civil, domestic or criminal litigation? If so, for each litigation, please state the style of the case, the nature of your involvement and a brief description of the case.

Response: Defendant objects to Plaintiffs' request for information pertaining to any litigation in which he has been involved in the State of Alabama on the additional grounds that it is overly broad and unduly burdensome and calls for information falling outside of the parameters of discovery as allowed by *Fed. R. Civ. P.* 26(b)(1). Without waiving his objections, Defendant responds as follows:

None.

9. Please list the states in which you have filed state income tax returns from 2001 to the present and state when each such return was filed.

Response: I filed state income tax returns in the State of Georgia from 2001 to the present and each return was filed in April of the respective year in which it was due.

10. Please list where you are or were registered to vote from 2001 to the present.

Response: Georgia

11. Please provide a copy of your current driver's license.

Response: See documents turned over at deposition pursuant to subpoena duces tecum.

12. Please state in what states you have held driver's licenses for the past 10 years and the time period during which you had licenses in those states.

Response:

<u>Dates</u>	<u>State</u>
2001 - Present	Georgia
1996 - 2001	Alabama

13. Do you owe money or other debt to any entity or person in the State of Alabama? If so, please explain the nature of the debt and the repayment terms.

Response: None

14. Please state when, in what county and state and for what property you have paid any monies to any governmental entity besides the federal government for taxes, fees or registration, however designated, for personal property such as vehicles.

Response: None

15. Please describe any clubs, hunting organizations, fishing organizations, religious organizations or other organizations to which you belong which are located in the State of Alabama.

Response: None

James D. McCants

Sworn and subscribed to before
me on this the _____ day of
_____, 2006.

Notary Public

[AFFIX NOTARIAL SEAL]
My Commission Expires:

As to objections:

By _____
William Steele Holman II
Bar Number: HOL051
John W. Clark IV
Bar Number: CLA087
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CERTIFICATE OF SERVICE

I do hereby certify that I have on June ____, 2006 served a copy of the foregoing pleading by mailing the same by United States mail properly addressed and first-class postage prepaid on the following:

Larry W. Morris
Nancy M. Eady
Morris, Haynes & Hornsby
PO box 1660
Alexander City, Alabama 35011-1660

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